THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 7910 of 1998

DATED: 25-04-2007

Between:

J.Panduranga Vittal

…Petitioner

and

Andhra Pradesh State Road Transport
Corporation, Musheerabad,
Hyderabad and another

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 7910 of 1998

Oral order:

This is a curious case. The writ petition is misconceived and the counter irrelevant.

According to the petitioner, he was born in Turakala Repaka Village of Atmakur Mandal, Nalgonda District; studied 1st to 4th classes at the village; 5th to 8th classes at the Zilla Parishad High School, Medchal, Ranga Reddy District; 8th to 10th classes in A.P. Residential School, Keesaragutta, Ranga Reddy District and Intermediate at the Government Junior College, Aliya, Hyderabad. The 2nd respondent notified 219 posts of Conductors in the Nalgonda District and called for applications from eligible candidates. The petitioner applied for the post of Conductor enclosing necessary certificates like Local Candidate Certificate issued by the Mandal Revenue Officer, Atmakur; and the petitioner belongs to BC-B group. The 2nd respondent also issued him a call letter dated 28-2-1998 to appear for the interview.

According to the petitioner, in a Telugu daily news report dated 15-3-1998, issued by the 2nd respondent, the selection for filling up the posts of Conductors were stated to have been completed and the details of the selections, category wise were furnished. In the BC-B category, candidates who secured 66.20% to 95.06% were selected. Petitioner contends that though he secured more than 92% marks, he was not selected. On enquiry, he was informed that his application for

the post of the Conductor was treated as a non-local and therefore, he could not be selected for the said post.

The petitioner claims that as he was born in Turakala Repaka Village of Athmakur Mandal, Nalgonda District he should have been considered as a local candidate, as he studied outside Nalgonda District only on account of personal circumstances. According to the petitioner, he should not be treated as a non-local candidate based only on the educational criteria.

The above is the sum and substance of the petitioner's pleadings spread out in about 8 paragraphs. Neither in the pleadings nor at the oral argument, is any effort made to bring to the notice of this Court any legal instrument or principle on the basis of which the petitioner claims to be a local candidate of Nalgonda District. It is not asserted on behalf of the petitioner as to what the concept of local candidate is and under what law. Except characterizing the treatment of the petitioner by the respondent as non-local candidate as being arbitrary, no effort is made by or on behalf of the petitioner to place before this Court any material in support of the claim that such treatment by the respondent is illegal or violative of any legal position.

The Chief Law Officer of the A.P.S.R.T.C. has filed a counter-affidavit dated 16-6-2000 which in its irrelevance matches the *ipsi dixit* of the writ petition. To the extent relevant and material, the counter on behalf of the respondents reads as under:

> *"3) I submit that 219 (approximately) vacancies of conductors have been notified and applications from the local candidates of Nalgonda District have been called for. In response to the notification, the petitioner has submitted his application and he was called to appear before the Selection Committee on 11-3-1998 for verification of his certificates enclosed to his application. Accordingly he appeared before the Selection Committee on 11-3-1998 but the certificates produced by him disclosed that he has resided in the following places during the period shown against each:*

1986 to 1988 .. Medchal, Rangareddi District.

1988 to 1991 .. A.P.Residential School, Keesaragutta, Rangareddi District.

1991 to 1993 .. Hyderabad, Hyderabad District.

As per Circular No. 73/86 Dt. 5-8-88 in respect of regular candidates the period of stay should be 4 consecutive years and in respect of private candidates it should be for a period of 7 consecutive years immediately preceeding the date of passing the SSC Public Examination. The petitioner has passed his SSC in March 1991. For becoming a local candidate he should have resided in Nalgonda District from 1987 to 1991. But, since the petitioner has been residing elsewhere since 1986 to 1991 as stated above, he cannot be said to be a local candidate. As he was not a local candidate, his case was not considered for appointment as conductor in Nalgonda Region.

4) I submit that the post of conductor is a Regional Level post for which recruitment is conducted at Regional level. Only local candidates of Nalgonda District are eligible to apply for the post of conductor for Nalgonda Region. As the petitioner is a non-local candidate he is not entitled for appointment as conductor in Nalgonda Region.

5) I submit that the selections were already over. As soon as the selections were over, the Selection Committee ceases to exist and hence if the case of the petitioner has to be considered treating him as a local candidate it can be done only during the course of next selections when the Selection Committee meets again.

Except stating in para 3 that as per Circular No.73/88 dated 5-8-88 specifications are made as to the treatment of regular candidates and private candidates and that the petitioner having passed his SSC in March, 1991 and for becoming a local candidate he should have resided in Nalgonda District from 1987 to 1991. But was residing elsewhere since 1986 to 1991 and therefore, cannot be considered as

a local candidate, the respondent does not state what is the concept of local candidate, under what legal instrument or under which law.

From the study of the pleadings and on consideration of the address at the Bar, it is the considered view of this Court that there us cooperation between the petitioner and the respondents not to place relevant facts or the relevant law before this Court to facilitate adjudication. No meaningful judgment could be delivered in the circumstances. Judgments of this court has a precedential value and authority and cannot be delivered in circumstances, such as the one present where both the petitioner and the respondents fail to place before this Court for the purpose of its consideration any principle of law or reference to any legal instrument, on the basis of which assertions and denials are made.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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GODA RAGHURAM, J

25-04-2007
GRR